

Remarks

Reconsideration and withdrawal of the rejection set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 43, 45, 49, 51, 73, 74, 77, 78, 81, 82, and 84-86 are now pending in the application, of which Claims 43, 49, 73, 77, 84 and 85 are independent. Claims 43, 49, 73 and 77 have been amended and Claims 84-86 are newly-presented herein. Claims 75, 76, 79, 80 and 83 have been cancelled. Support for the claim amendments and new claims can be found in the specification, as originally filed. Accordingly, no new matter has been added.

Claims 43, 45, 49, 51, 73, 75, 77 and 79 stand rejected for obviousness-type double patenting over Claims 1 and 5 of U.S. Patent No. 7,253,911 (*Aritomi*). By this Amendment, Applicants have amended each of independent Claims 43, 49, 73 and 77, further distinguishing these claims from *Aritomi*. Accordingly, Applicants request that the rejection be withdrawn. However, in the event that the Examiner does not find the rejection to be overcome, Applicants respectfully request that this rejection be held in abeyance until the claims have been deemed otherwise allowable. At that time, Applicants will consider filing a Terminal Disclaimer to obviate the rejection, if necessary.

Claims 43, 45, 49, 51 and 73-83 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,061,632 (*Livingston*) in view of U.S. Patent No. 5,481,353 (*Hicks et al.*). This rejection is respectfully traversed. Nevertheless, Applicants

have amended each of the independent Claims 43, 49, 73 and 77 to further distinguish the claims from the cited art. In particular, Claims 43 and 49 have been amended to recite that the printing operation for the print-out format is executed from the single print data for a print job produced in accordance with the setting in the first mode, and the printing operation for the plurality of different print-out formats is executed from the single print data for a print job produced in accordance with the setting in the second mode. Claims 73 and 77 now recite that a printing operation of the first output format based on the first print setting and a printing operation of the second output format based on the second print setting are executed by using the print data part of the same print job. Applicants submit that these independent claims are patentable for the following reasons.

The Office Action relies on *Livingston* to teach many of the features recited in the claims. *Livingston* generally teaches printing operation performed by combining watermarks into one or plural pages. *Hicks et al.*, however, is relied upon to teach a print-out format for single print data in a first mode, and a plurality of different print-out formats for single print data in a second mode. In particular, the Office Action cites column 7, lines 23-32 of *Hicks et al.*, which generally teaches that four categories of output sheets may be created. *Hicks et al.* is understood to teach that a user may elect to print all four categories in an order determined by the user.

However, *Hicks et al.* is not understood to teach at least the feature of the group of job commands described in the second mode including a print control command representing the second mode for enabling the printing apparatus to execute a printing

operation of a plurality of different print-out formats from the common print data described in the print data part, as recited in independent Claims 43 and 49. In fact, *Hicks et al.* is silent as to whether the different print-out formats are printed by a single print job or plural print jobs, whether the print data item is one or plural, or how a command included in the print job changes depending on the print setting. Accordingly, *Hicks et al.* fails to teach or suggest salient features recited in Claim 43 and 49, and Applicants, therefore, request that this rejection be withdrawn.

Moreover, *Hicks et al.* is not understood to teach the newly-recited feature in Claims 43 and 49 of the printing operation for the print-out format being executed from the single print data for a print job produced in accordance with the setting in the first mode, and the printing operation for the plurality of different print-out formats being executed from the single print data for a print job produced in accordance with the setting in the second mode.

Furthermore, *Hicks et al.* is not understood to teach the newly-recited feature in Claims 73 and 77 of a printing operation of the first output format based on the first print setting and a printing operation of the second output format based on the second print setting being executed by using the print data part of the same print job.

The primary citation to *Livingston* has been reviewed; however, it is not understood to compensate for the above-noted deficiencies with respect to *Hicks et al.*

Claims 84-86 are newly-presented, and are submitted to be patentable for reciting features not taught or suggested by the art of record. For example, the art of

record is not understood to teach or suggest the producing means/step recited in these claims.

In view of the foregoing, Applicants submit that the present invention is patentably defined by independent Claims 43, 49, 73, 77, 84 and 85. Dependent Claims 45, 51, 74, 78, 81, 82 and 86 are also submitted to be patentable by virtue of their dependencies on an allowable claim, as well as for the additional features they recite. Individual consideration of these claims is respectfully requested.

Applicants submit that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action, and an early Notice of Allowability are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

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